

Existing law provides that any person involved in an incident, accident, or cleanup of an accident or incident, involving the transportation, loading, unloading, or related storage of a hazardous material shall report it to the Dept. of Public Safety and Corrections (DPS&C), and shall submit a written report. Existing law also provides that the secretary of DPS&C shall implement a transportation emergency response system.

New law adds provisions that incidents, accidents, or cleanup of accidents or incidents, which occur within facilities that are subject to the reporting requirements of the Hazardous Material Information Development, Preparedness, and Response Act and are classified in the 1997 North American Industry Classification System, as follows, shall not be subject to existing law:

- (1) Oil and gas extraction.
- (2) Electric power generation.
- (3) Pulp, paper, and paperboard mills.
- (4) Petroleum and coal products manufacturing.
- (5) Chemical manufacturing.
- (6) Plastics and rubber products manufacturing.
- (7) Primary metal manufacturing.
- (8) Refuse systems.
- (9) Local trucking without storage.
- (10) Trucking without storage.

New law also provides that the secretary may develop rules and regulations to implement and clarify the reporting requirements and address changes in federal laws, rules and regulations.

Prior law provided that owners and operators which use, manufacture, emit, or store a hazardous material at a facility shall immediately notify the Dept. of Public Safety and Corrections of any releases, other than a federally or state permitted release or application of a pesticide or fertilizer, of a hazardous material or substance listed pursuant to existing law exceeding the reportable quantity when that reportable quantity has the potential to escape the site of the facility, as soon as the owner or operator has knowledge of such release. Provided that failure to do so shall subject owners and operators to penalties. Also provided that any release of any hazardous material regulated by existing law which causes any injury requiring hospitalization or any fatality or any release which results in a fire or explosion which has the potential to affect the public safety beyond the boundaries of the facility shall be reported immediately to the department. Provided that the Dept. of Environmental Quality shall make available to the public for examination any information contained in certain reports required pursuant to existing law.

New law provides that such owners and operators shall immediately notify the department of any reportable releases, other than a federally or state permitted release or application of a pesticide or fertilizer, of a listed hazardous material or substance when that reportable quantity could be reasonably expected to escape the site of the facility, as soon as the owner or operator has knowledge of such release. Provides that failure to do so shall subject owners and operators to penalties. Also provides that any reportable release of any regulated hazardous material which causes injury requiring hospitalization or any fatality or any release which results in a fire or explosion which could reasonably be expected to affect the public safety beyond the boundaries of the facility shall be reported immediately to the department.

New law also provides that any incident, accident, or cleanup within a facility, which could reasonably be expected to affect public safety beyond the boundaries of the facility or where the owner or operator knows a protective action beyond the boundaries of the facility has been initiated, shall be reported immediately to the department. New law provides that the secretary may develop rules and regulations to clarify reporting requirements and address changes in federal regulations. Retains existing law that DEQ shall make certain report information available to the public for examination.

Prior law authorized DEQ to assess civil penalties of no more than \$25,000 per violation to any owner or operator who knowingly fails to report a release of a regulated hazardous material.

New law provides that such penalties may only be assessed for failure to report a "reportable" release of a regulated hazardous material.

Effective upon signature of the governor (June 16,1999).

(Amends R.S. 30:2373(B) and (C)(3); adds R.S. 32:1510(E))